

## APPENDIX

United States of America  
Federal Communications Commission  
Washington, D.C. 20554

Approved by OMB  
3060-0075  
Expires 8/31/90

For Commission Use Only  
File No.

**APPLICATION FOR TRANSFER OF CONTROL OF A CORPORATE LICENSEE OR PERMITEE, OR ASSIGNMENT OF LICENSE OR PERMIT,  
FOR AN FM OR TV TRANSLATOR STATION, OR A LOW POWER TELEVISION STATION**  
(Carefully read instructions before filling out Form — RETURN ONLY FORM TO FCC)

**Section 1 Assignor/Transferor**

1. Application for: (check only one box for A. and B.)

A. ☐ Consent to assignment

☐ Consent to transfer of control

B. For a ☐ TV translator

☐ Low power TV station

☐ FM translator

2. Name of Assignor/Transferor

Street Address (or other identification)

\_\_\_\_\_

Telephone No.  
(Include Area Code)

City

State

ZIP Code

\_\_\_\_\_ - \_\_\_\_\_

3. Authorization which is proposed to be assigned or transferred:

(a) Call letters

(b) Location

4. NOTE: Where the licenses or permits have been granted to entities claiming preferences in the lottery selection process, the license or permit must ordinarily be held for a period of at least one year from the beginning of program tests.

Is the assignor or transferor in compliance with this requirement?

☐ YES ☐ NO

If No, attach as Exhibit No. \_\_\_\_\_ an appropriate showing. (See Section 73.3597 of the Commission's Rules)

5. Call letters of any auxiliary stations which are to be assigned:

6. Attach as Exhibit No. \_\_\_\_\_ a copy of the contract or agreement to assign the property and facilities of the station. If there is only an oral agreement, reduce the terms to writing and attach. The material submitted must include the complete agreement between the parties.

7. State in the attached Exhibit No. \_\_\_\_\_ whether the assignor, or any partner, officer, director, member of the assignor's governing board or any stockholder owning 10% or more of the assignor's stock has had any interest in or connection with any dismissed and/or denied application; or any FCC license that has been revoked.

The Exhibit should include the following information:

- (a) name of party with such interest;
- (b) nature of interest or connection, giving dates;
- (c) call letters or file number of application; or docket number;
- (d) location

8. Since the filing of the assignor's/transferor's last renewal application for the authorization being assigned or transferred, or other major application has an adverse finding been made, a consent decree been entered or adverse final action been approved by any court or administrative body with respect to the assignor/transferor or any partner, officer, director, member of the assignor's governing board or any stockholder owning 10% or more of assignor's/transferor's stock, concerning any civil or criminal suit, action or proceeding brought under the provisions of any federal, state, territorial or local law relating to the following: any felony, lotteries; unlawful restraints or monopolies; unlawful combinations; contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination?

☐ YES ☐ NO

If Yes, attach as Exhibit No. \_\_\_\_\_ a full description, including identification of the court or administrative body, proceeding by file number, the person and matters involved, and the disposition or current status of the matter.

### CERTIFICATION

Has or will the assignor/transferor comply with the public notice requirement of Section 73.3580 of the rules?

☐ YES ☐ NO

The ASSIGNOR/TRANSFEROR acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The ASSIGNOR/TRANSFEROR represents that this application is not filed by it for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with Section 1.65 of the Commission's Rules, the ASSIGNOR/TRANSFEROR has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

### WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT U.S. CODE, TITLE 18, SECTION 1001

I certify that the assignor's/transferor's statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Name of Assignor/Transferor

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**Assignee/Transferee**

**Street Address (or other identification)**

A horizontal number line with 15 tick marks, labeled from 1 to 15.

City

**State**

ZIP Code

\_\_\_\_\_

☐ an individual

☐ a general partnership☐ a limited partnership☐ a corporation☐ other (explain)

4. (a) Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments?

☐ YES ☐ NO

(b) Will any funds, credit, or other consideration for construction, purchase or operation of the station be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ YES ☐ NO

If Yes, provide particulars as attached Exhibit No. \_\_\_\_\_.

5. (a) Has an adverse finding been made, adverse final action taken or consent decree approved by any court or administrative body as to the applicant or any party to the application in any civil or criminal proceeding brought under the provisions of any law related to the following: any felony; lotteries, unlawful restraints or monopolies; unlawful combinations, contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination? (See Instruction 9 for the definition of a "party" to this application.)

☐ YES ☐ NO

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in 5.(a)? ☐ YES ☐ NO

If the answer to (a) or (b) above is Yes, attach as Exhibit No. \_\_\_\_\_, a full disclosure concerning the persons and matters involved, identifying the court or administrative body and the proceeding (by dates and file numbers), stating the facts upon which the proceeding was based or the nature of the offense committed, and disposition or current status of the matter.

6. The applicant certifies that sufficient net liquid assets are on hand or available from committed sources to consummate the transaction and operate the facilities for three months.

☐ YES ☐ NO

7. The applicant certifies that:

(a) it has a reasonable assurance of present commitments from each donor, from each party agreeing to furnish capital, from each bank, financial institution or others agreeing to lend funds, and from each equipment supplier agreeing to extend credit;

(b) it has determined that a reasonable assurance exists that all such sources (excluding banks, financial institutions and equipment suppliers) have sufficient net liquid assets to meet these commitments; and

(c) it can and will meet all contractual requirements as to collateral, guarantees, and capital investment or donations.

☐ YES ☐ NO

## FOR LOW POWER TELEVISION APPLICANTS ONLY

8. Low power television stations must offer a broadcast program service (a nonprogram service is not permitted). Attach as Exhibit No. \_\_\_\_\_ a brief description, in narrative form, of the proposed program service.

9. Does the low power television applicant propose to employ five or more full time employees? ☐ YES ☐ NO

If the answer is Yes, the applicant must include an EEO program called for in the separate Five Point Model EEO Program (attached).

## CERTIFICATION

THE ASSIGNEE/TRANSFEEE hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The ASSIGNEE/TRANSFEEE acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The ASSIGNEE/TRANSFEEE represents that this application is not filed by it for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

In accordance with Section 1.65 of the Commission's Rules, the ASSIGNEE/TRANSFEEE has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT  
U.S. CODE, TITLE 18, SECTION 1001**

I certify that the assignee's/transferee's statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 19

\_\_\_\_\_  
Name of Assignee/Transferee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Instructions for FCC Form 345

**APPLICATION FOR TRANSFER OF CONTROL OF A CORPORATE LICENSEE  
OR PERMITEE, OR ASSIGNMENT OF LICENSE OR PERMIT, FOR AN FM OR TV  
TRANSLATOR STATION, OR A LOW POWER TELEVISION STATION.**

(FCC Form 345 Attached)

**INSTRUCTIONS AND INFORMATION**

1. This form is to be used to apply for a transfer of control of a corporate licensee or permittee, or assignment of license or permit, for an FM or TV translator station, or a low power television station. It should also be used for any associated auxiliary stations, such as translator microwave relay stations (see §74.601) and UHF translator booster stations (see §74.701). DO NOT USE THIS FORM if a commonly owned or controlled primary station is filing an application for transfer of control or an assignment of a permit or license. In that case, the application of the licensee or permittee of the primary station will include all auxiliary authorizations when filing its application on FCC Form 314, 315 or 316, whichever is applicable.
2. Prepare and file original and one copy of the attached form with the Federal Communications Commission, Washington, D.C. 20554.
3. Number any exhibits serially in the spaces provided in the body of the form. Each exhibit must be dated and clearly indicate whether it was prepared by the assignor/transferor (seller) or the assignee/transferee (buyer).
4. Information requested in the attached form already on file with the Commission need not be refiled in this application, provided (1) the information was submitted by or on behalf of the parties to this application; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form, along with the page or paragraph referred to; and (3) the party states, "No change since date of filing." The material so identified will be considered incorporated in the attached application. The incorporated application or other form will thereafter be open to public inspection in its entirety.
5. The name of the assignor/transferor must be stated exactly as it appears on the authorization to be transferred or assigned.
6. For a corporation or government entity, the name of the assignee/transferee must be set out as the full, official name; for a partnership the names of all partners and the name under which the partnership does business; for an unincorporated association, the name of the association, the name of an executive officer and the office held.
7. BOTH PARTIES TO THE TRANSACTION MUST SIGN THE APPLICATION in the spaces provided. Depending on the nature of the applicant, the application should be signed as indicated: for a sole proprietor, personally; for a partnership, by a general partner; for a corporation, by an officer; for an unincorporated association, by a member who is an officer; for a government entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in case of the applicant's disability or absence from the United States. In such cases, counsel must separately set forth why the application is not signed by the client. In addition, as to any matter stated on the basis of belief instead of personal knowledge, counsel shall separately set forth the reasons for believing that such statements are true.
8. Before filling out this application, the assignee/transferee should familiarize itself with the Communications Act of 1934, and with Parts 1 and 74 of the Commission's Rules.
9. Parties to the application. If the applicant is an individual, that person is a party to this application. If the applicant is a partnership, each general and limited partner (including "silent" partners) having an interest of one percent or more in profits is a party to the application. If the applicant is a corporation all officers and directors, and all persons or entities who are the beneficial or record owners or have the right to vote any capital stock, membership or ownership interests of one percent or more, or subscribers to such interests, shall be considered parties to this application. If any corporation or other legal entity owns stock in the applicant, its officers, directors and persons or entities who are the beneficial or record owners or have the right to vote capital stock, membership or ownership interests of one percent or more, or subscribers to such interest, of that entity shall also be considered parties to this application. For any other applicant, all executive officers, members of the governing board and owners or subscribers to membership or ownership interests of one percent or more in the applicant.
10. United States Citizenship. Section 310 of the Communications Act requires that United States citizens must control broadcast stations, including FM and TV translator stations, and low power television stations. Specifically, the FCC cannot assign or transfer a license or construction permit to an alien or the representative of an alien, to a foreign government or a representative of a foreign government, or to a corporation organized under the laws of a foreign government. Similarly, the FCC cannot transfer a license or construction permit to a corporate applicant that has any alien officers or directors, or that has more than 20 percent of its capital stock owned or voted by aliens or their representatives, foreign governments or their representatives, or by a corporation organized under the laws of a foreign country. Finally, if the corporate applicant is directly or indirectly controlled by another corporation, the FCC cannot grant a transfer or assignment application if the other corporation has any officer who is an alien, or more than 25 percent of the directors are aliens, or more than 25 percent of its stock is owned or voted by aliens or their representatives, foreign governments or their representatives, or a corporation organized under the laws of a foreign country. The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each person who owns or votes shares. For large corporations, a sample survey using a recognized statistical method is acceptable for determining the citizenship of those who own or vote shares.

11. Applicants seeking to acquire a low power television station, whether by assignment of license or permit, or by transfer of control, are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant that proposes to employ five or more full-time station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics.) This is submitted to the Commission as the Model EEO Program Form. If minority group representation in the available labor force is less than five percent in the aggregate, a program for minority group members is not required. A program must be filed, however, for women because they comprise a significant percentage of virtually all labor forces. If an applicant proposes to employ less than five full-time employees, no EEO program for women or minorities need be filed. Guidelines for developing an Equal Employment Opportunity program are set forth as a separate Model EEO Program.
12. Public Notice Requirement:
  - (1) Section 73.3580 of the Commission's Rules requires that applicants for assignment or transfer of a construction permit or license give local notice in a newspaper of general circulation in the community in which the station is located. Local notice is also required to be broadcast over the station, if it is capable of originating such an announcement. However, if the station is the only operating station in its broadcast service which is located in the community involved, publication of the notice in a newspaper is not required, if the announcement can be broadcast. This public notice requirement also applies with respect to major amendments, as defined in Section 73.3578(b) of the Rules.
  - (2) Completion of publication may occur within 30 days before or after tendering of the application. Compliance or intent to comply with the public notice requirements must be *certified* in this application. The information that must be contained in the notice of filing is described in Paragraph (g) of Section 73.3580 of the Rules. Proof of publication need not be filed with this application.
13. Be sure all necessary information is furnished and all paragraphs are fully answered. If any portions of the application are not applicable, state so specifically. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.
14. Do not file this information sheet with the application.

#### FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested Authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FILED BY GLENDALE BROADCASTING COMPANY (RED LION ASSIGNMENT APPLICATION ISSUE) are served by hand delivery (denoted by \*) or first class United States mail, postage prepaid, this 15th day of August 1994 to the following:

\* The Hon. Joseph Chachkin  
Administrative Law Judge  
Suite 226, 2000 L Street, N.W.  
Washington, D.C. 20554

\* James Shook, Esq.  
Gary Schonman, Esq.  
Hearing Branch, Mass Media Bureau  
Suite 7212, 2025 M Street, N.W.  
Washington, D.C. 20554

Colby May, Esq.  
May & Dunne, Chartered  
Suite 520, 1000 Thomas Jefferson Street, N.W.  
Washington, D.C. 20007  
(Counsel for Trinity Broadcasting of Florida, Inc.)

\* Nathaniel E. Emmons, Esq.  
Howard A. Topel, Esq.  
Mullin, Rhyne, Emmons & Topel, P.C.  
Suite 300, 1225 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(Co-counsel for Trinity Broadcasting of Florida, Inc.)

David Honig, Esq.  
Suite B-863, 3636 16th Street, N.W.  
Washington, D.C. 20010  
(Counsel for Spanish American League Against Discrimination)

Kathryn R. Schmeltzer, Esq.  
Fisher, Wayland, Cooper, Leader & Zaragoza  
Suite 400, 2001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
(Counsel for National Minority TV, Inc.)

With courtesy copy to:

Cohen & Berfield  
1129 20th Street, N.W.  
Washington, D.C. 20036  
(Counsel for Glendale Broadcasting Company)

  
\_\_\_\_\_  
Gene A. Bechtel